

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Jean-Michel Hode

U.S. Patent Application No. 10/574,291

Filed: March 31, 2006

Confirmation No. 9147

Group Art Unit: Not Yet Known

Examiner: Not Yet Known

For: **GENERATION OF AGITATION NOISE ACCORDING TO A PREDETERMINED HISTOGRAM**

**RECONSIDERATION OF HOLDING OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This document is submitted in response to the Notification of Abandonment dated July 30, 2007, which was improperly issued. The Notification states that the Applicant failed to respond to the Notification of Missing Requirements mailed November 13, 2006. However, Applicant filed a Response to Notice to File Missing Parts on November 22, 2006. Therefore, Applicant respectfully resubmits the Response to Notice to File Missing Parts, along with the Auto-Reply Transmission from the USPTO as evidence that it was timely filed and received. As shown, the statutory fee of \$130.00 was paid by credit card with the original Submission.

Applicant respectfully requests that the Holding of Abandonment be withdrawn and the application be reopened for prosecution.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit

any excess fees to such deposit account.

Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP**



Kenneth M. Berner  
Registration No. 37,093

1700 Diagonal Road, Suite 300

Alexandria, Virginia 22314

(703) 684-1111

(703) 518-5499 Facsimile

**Date: August 3, 2007**

**KMB/mkl**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.	
10/574,291	Jean-Michel Hode	4590506	
		INTERNATIONAL APPLICATION NO. PCT/EP04/52368	
		I.A. FILING DATE 09/30/2004	PRIORITY DATE 10/03/2003
CONFIRMATION NO. 9147			
ABANDONMENT/TERMINATION LETTER			
<small>*OC000000025081839*</small>			

Date Mailed: 07/30/2007

**NOTIFICATION OF ABANDONMENT**

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Applicant has failed to respond to the notification of MISSING REQUIREMENTS (Form PCT/DO/EO/905), mailed 11/13/2006 within the time period set therein.

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

FORM PCT/DO/EO/909 (371 Abandonment Notice)

C:Auto-reply fax to 7035185499 COMPANY:



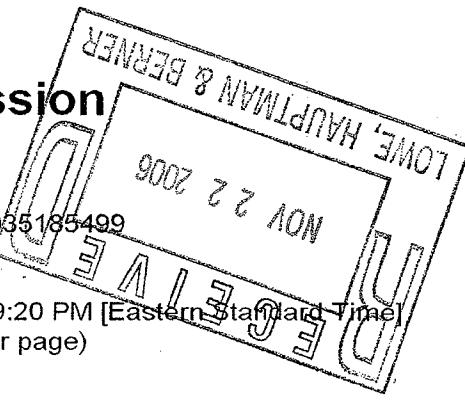
## Auto-Reply Facsimile Transmission

TO:

Fax Sender at 7035185499

Fax Information  
 Date Received:  
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Received  
 Cover  
 Page  
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11/22/2006 WED 12:57 FAX 7035185499		0001/007
Docket No.: 4590-506		
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE		
PATENT		
In re Application of		
Jean-Michel HODE : Confirmation No. 9147		
U.S. Patent Application No. 10/574,291 : Group Art Unit: n/a		
Filed: March 31, 2006 : Examiner: n/a		
For: GENERATION OF AGITATION NOISE ACCORDING TO A PREDETERMINED HISTOGRAM		
<b>RESPONSE TO NOTICE TO FILE MISSING PARTS</b>		
<p><b>Mail Stop Missing Parts</b>    Commissioner of Patents    P.O. Box 1450    Alexandria, VA 22313-1450</p> <p>Sir:</p> <p>This is in response to the Notice of Missing Parts of Application dated November 13, 2006, the period for response to which is set to expire on January 13, 2007. Submitted herewith are the following:</p> <ul style="list-style-type: none"> <li>Executed Declaration and Power of Attorney;</li> <li>Late Declaration Surcharge: \$130.00 and</li> <li>Copy of Notice to File Missing Parts</li> </ul> <p>Attached hereto is a credit card payment form in the amount of \$130.00, which covers the fees for the above listed items. Please charge any deficiencies in the enclosed fees to Deposit Account 07-1337 and direct any inquiries in connection with this application directly to the undersigned.</p> <p>Respectfully submitted,</p> <p><b>LOWE HAUPTMAN &amp; BERNER, LLP</b></p> <p><i>Jennifer M. Berner</i>    Kenneth M. Berner    Registration No. 37,093</p> <p>1700 Diagonal Road, Suite 310    Alexandria, Virginia 22314    (703) 684-1111 KMB/cac    Facsimile: (703) 518-5499    November 22, 2006</p> <p><b>CERTIFICATION OF FACSIMILE TRANSMISSION</b>    I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE    ON THE DATE SHOWN BELOW  <i>Condence Chmber</i>    TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION  <i>C. Chmber</i>    SIGNATURE  <i>571-213-8300</i>    DATE    FACSIMILE NUMBER</p>		

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\*\*\* FAX TX REPORT \*\*\*  
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TRANSMISSION OK

JOB NO.	0956
DESTINATION ADDRESS	5712738300
PSWD/SUBADDRESS	
DESTINATION ID	
ST. TIME	11/22 12:57
USAGE T	01' 52
PGS.	7
RESULT	OK

Docket No.: 4590-506

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of

Jean-Michel HODE

: Confirmation No. 9147

U.S. Patent Application No. 10/574,291

: Group Art Unit: n/a

Filed: March 31, 2006

: Examiner: n/a

For: GENERATION OF AGITATION NOISE ACCORDING TO A PREDETERMINED  
HISTOGRAM

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

**Mail Stop Missing Parts**

Commissioner of Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is in response to the Notice of Missing Parts of Application dated November 13, 2006, the period for response to which is set to expire on January 13, 2007. Submitted herewith are the following:

- Executed Declaration and Power of Attorney;
- Late Declaration Surcharge: \$130.00 and
- Copy of Notice to File Missing Parts

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Respectfully submitted,

**LOWE HAUPTMAN & BERNER, LLP**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :  
Jean-Michel HODE : Confirmation No. 9147  
U.S. Patent Application No. 10/574,291 : Group Art Unit: n/a  
Filed: March 31, 2006 : Examiner: n/a

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Respectfully submitted,

LOWE HAUPTMAN & BERNER, LLP

*Kenneth M. Berner*  
Kenneth M. Berner  
Registration No. 37,093

CERTIFICATION OF FACSIMILE TRANSMISSION  
I HEREBY CERTIFY THAT THIS PAPER IS BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE

ON THE DATE SHOWN BELOW

*Constance Umhildiss*  
CONSTANCE UMHILDISS  
TYPE OR PRINT NAME OF PERSON SIGNING CERTIFICATION  
*Cal Clark* 11/22/2006  
SIGNATURE DATE  
571-273-8300  
FACSIMILE NUMBER

1700 Diagonal Road, Suite 310  
Alexandria, Virginia 22314  
(703) 684-1111 KMB/cac  
Facsimile: (703) 518-5499  
November 22, 2006

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**United States Patent & Trademark Office**  
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**Credit Card Information**

**Credit Card type:**  Visa  Mastercard  American Express  Discover

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Credit Card Expiration Date: 07/2010

Name as it Appears on Credit Card: Kenneth M. Berner

Payment Amount \$ (US Dollars): 130.00

Signature: *Kenneth M. Berner* Date: November 22, 2006

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Street Address 2:

City: Kensington

State: Maryland Zip/Postal Code: 20895

Country: USA

Daytime Phone #: 703-535-7054 Fax #: 703-518-5499

**Request and Payment Information**

Description of Request and Payment Information:

**Late Declaration Surcharge**

<input checked="" type="checkbox"/> Patent Fee	<input type="checkbox"/> Patent Maintenance Fee	<input type="checkbox"/> Trademark Fee	<input type="checkbox"/> Other Fee
Application No. <b>10/574,291</b>	Application No. <b>10/574,291</b>	Docket No.	IDON Customer No.
Patent No.	Patent No.	Serial/Registration No.	
Attorney Docket No. <b>4590-506</b>		Identity or Describe Mark	

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KMB/cac/6665



## UNITED STATES PATENT AND TRADEMARK OFFICE

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10/574,291	Jean-Michel Hode	4590506
INTERNATIONAL APPLICATION NO.		
PCT/EP04/52368		
I.A. FILING DATE		PRIORITY DATE
09/30/2004		10/03/2003

33308  
 LOWE HAUPTMAN GILMAN & BERNER, LLP  
 1700 DIAGNOSTIC ROAD, SUITE 300  
 ALEXANDRIA, VA 22314

CONFIRMATION NO. 9147

## 371 FORMALITIES LETTER



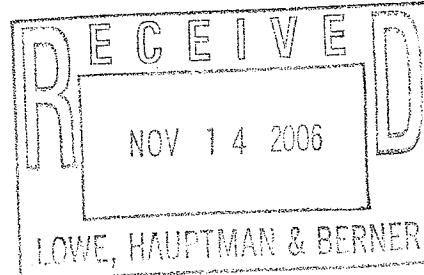
\*OC000000021191827\*

Date Mailed: 11/13/2006

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/31/2006
- Copy of the International Search Report filed on 03/31/2006
- Preliminary Amendments filed on 03/31/2006
- Information Disclosure Statements filed on 03/31/2006
- U.S. Basic National Fees filed on 03/31/2006
- Assignment filed on 03/31/2006
- Priority Documents filed on 03/31/2006
- Specification filed on 03/31/2006
- Claims filed on 03/31/2006
- Abstracts filed on 03/31/2006
- Drawings filed on 03/31/2006



The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

## SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- **\$130** Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

FREDERICK SMITH

Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/574,291	PCT/EP04/52368	4590506

FORM PCT/DO/EO/905 (371 Formalities Notice)